IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.631 OF 2004
IN
SUMMARY SUIT NO.1084 OF 2004.

Naeem Khan .. Plaintiff.
Vs.
Mohammed A.Butt .. Defendant.

Mr.V. Hegde for the Plaintiff.
Mr.N.H.Shukla for the Defendant.
Defendant also present in Court.

CORAM : S.J.VAZIFDAR, J.
DATED : 26TH AUGUST, 2005.

P.C.:

The following order is passed with the consent of all the parties :

i) Decree as prayed.

ii) However, in the event of the Defendant paying a sum of Rs.3,00,000/- in thirty equal monthly instalments together with interest on the reducing balance at the rate of 6% per annum, the decree shall be marked satisfied and, in any event, shall be deemed to have been marked satisfied.

iii) The Plaintiff undertakes to mark the decree satisfied if the payment as mentioned herein

is made. The first payment shall be made on or before 10th October, 2005. The subsequent instalments shall be made on or before the tenth day of each succeeding month.

iv) In the event of there being any three defaults or in the default in payment of the last instalment, the entire decretal amount shall become due.

v) The learned counsel appearing on behalf of the Plaintiff undertakes to return the documents of title in respect of the property referred in the plaint, if lying with the Plaintiff, upon payment of the amounts as aforesaid.

vi) In the event of the Plaintiff not having the said documents in his possession, the Plaintiff shall execute any and every writing for the purpose of establishing that he does not have any right, title and/or interest in, to, upon or in respect of the said property. Liberty to apply to the Defendant regarding the same.

Refund as per rules.